UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,241	04/04/2001	Roli Garg Wendorf	NL000763	2668

24737	7590	07/01/2004	

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER
HOANG, PHUONG N

ART UNIT	PAPER NUMBER
2126	

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>04 April 2001</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 - 12* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 - 12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>04 April 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1 – 12 are pending for examination.

Specification

2.   The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

(a) TITLE OF THE INVENTION.
(b) CROSS-REFERENCE TO RELATED APPLICATIONS.
(c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR
        DEVELOPMENT.
(d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A
        COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer
        program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)),
        and tables having more than 50 pages of text are permitted to be
        submitted on compact discs.) or
        REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a).
        "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
(e) BACKGROUND OF THE INVENTION.
        (1) Field of the Invention.
        (2) Description of Related Art including information disclosed under 37
        CFR 1.97 and 1.98.
(f) BRIEF SUMMARY OF THE INVENTION.
(g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
(h) DETAILED DESCRIPTION OF THE INVENTION.
(i) CLAIM OR CLAIMS (commencing on a separate sheet).
(j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Application is required to label each section of the specification.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3.   Claims 3, 6, and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a.   As to claim 3, at line 2, applicant needs to spell out the whole name of the component "HAVi" and put the abbreviated name in the parenthesis next to it for the first time. The abbreviated name can be used to refer to the component later.

b.   As to claim 6, at line 2, applicant needs to spell out the whole name of the component "SOAP" and put the abbreviated name in the parenthesis next to it. The abbreviated name can be used to refer to the component later.

c.   As to claim 7, at line 2, applicant needs to spell out the whole name of the component "XML" and put the abbreviated name in the parenthesis next to it. The abbreviated name can be used to refer to the component later.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   **Claims 1 - 4, and 8 - 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gibbs, US patent no. 6,169,725.**

6.   **As to claim 1**, Gibbs teaches a communication system including an in-home network, and a remote device;

a.   the in-home network (Home Audio/Video system (HAVI), col. 4) including a plurality of in-home devices (devices, figures 1 – 3 and col. 9 lines 5 – 12) operative to communicate using predetermined in-home protocols including an in-home application protocol (IEEE 1394, col. 6 lines 1 - 25); at least one of the in-home devices, being referred to as intermediate device (intermediate AV nodes, col. 6 lines 47 – 60), also being operative to communicate with the remote

device using predetermined remote protocols (predefined message set, col. 7 lines 55 – 65, and col. 11 lines 29 – 67) including a remote application protocol which differs from the in-home application protocols;

b.   the remote device (FAV, col. 6 lines 36 – 46) being operative to load a portable application program (havlet, col. 10 lines 2 – 10, and fig. 5) for controlling at least one of the in-home devices by calling an Application Program Interface (API) of the in-home application protocol (the message system, col. 7 lines 55 – 65, col. 9 lines 55 – 60, and col. 11 lines 28 - 65); and load an API emulator (Interoperability interfaces, fig. 5 and col. 4 lines 10 – 44) and operative to provide a callable interface (provide an API, col. 7 lines 60 – 65) for functions of the in-home application protocol, and to supply this API functionality by communicating with a module (CMM, col. 7 lines 55 – 65, and col. 11 lines 29 – 67) in the intermediate device (intermediate AV nodes, col. 6 lines 47 – 60) using the remote protocols;

c.   the intermediate device including:

-       an API operative to provide interface functionality for the functions of the in-home application protocol by controlling the intermediate device an/or communicating with other in-home device(s) according to application messages of the in-home application protocol (message system, col. 7 lines 55 – 65, col. 9 lines 55 – 60, and col. 11 lines 28 - 65); and

-       the module (CMM, col. 7 lines 55 – 65, and col. 11 lines 29 – 67)

for communicating between in the remote device and the intermediate

device.

Gibbs does not explicitly teach the module for communicating between the API

emulator and the API in the intermediate device, establishing a substantially transparent

communication path between the portable application program in the remote device and

the API in the intermediate device.

However, Gibbs teaches the message system is responsible for passing

message between elements, and the havlet allowing user control of the device (col. 10

lines 5 – 10).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to recognize that in order for the intermediate device to manipulate

the havlet, the message system has to be used for communicate between elements

because it would allow the remote device to bind the intermediate device to provide a

service to user.

7.   **As to claim 2,** Gibbs teaches the steps of wherein the in-home protocols include

a messaging protocol (IEEE 1394, col. 6 lines 1 - 25), hierarchically below the in-home

application protocol (message system, col. 6 lines 1 – 25), and the API emulator

(Interoperability interfaces, fig. 5 and col. 4 lines 10 – 44) being operative to supply the

API functionality by executing the in-home application protocol in the remote device

(send the message) and supplying the in-home application protocol an interface to the messaging protocol by communicating with the module in the intermediate device using the remote protocols.

8.   **As to claim 3,** Gibbs teaches the step of wherein the in-home application protocols are HAVi based (HAVi, col. 4).

9.   **As to claim 4,** Gibbs teaches the step of wherein the portable application program is Java based (havlet is Java applet, col. 10 lines 5 – 19).

10.   **As to claims 8 and 9,** Gibbs teaches the step of wherein the remote device is operative to load the portable application program and/or API emulator from an in-home device, other than the intermediate device, via the intermediate device (col. 10 lines 2 – 10, and fig. 5).

11.   **As to claims 10 and 11,** see the rejection for claim 1 above.

12.   **As to claim 12,** this is the method claim of claim 1. See rejection for claim 1 above.

13.   **Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over**

Gibbs, US patent no. 6,169,725 in view of Li, US patent no. 6,519,594.

14.   **As to claim 5,** Gibbs does not teach the step of wherein the remote protocols

are based on Internet protocols.

Li teaches the step of wherein the remote protocols are based on Internet

protocols (Internet, col. 2 lines 58 – 65 and fig. 11).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the teaching of Gibbs and Li's system because Li's

Internet protocols are suitable and convenience for the communication of the home

audio and video Interoperability system.

15.   **Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over**

Gibbs, US patent no. 6,169,725 in view of Mein, US patent no. 6,457,066.

16.   **As to claim 6,** Gibbs does not teach the step of wherein the API emulator and

the module communicate using a remote procedure calling protocol, such as SOAP.

Mein teaches the communication using a remote procedure calling protocol, such

as SOAP (SOAP, fig. 2).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the teaching of Gibbs and Mein's because Mein's

SOAP is used to encode the information in Web service request and independent of any operating system that is suitable for the home audio and video interoperability system.

17.   Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gibbs, US patent no. 6,169,725 in view of Humpleman, US patent no. 6,182,094.

18.   **As to claim 7**, Gibbs does not teach the step of wherein information to be communicated between the API emulator and the module are described using a mark-up language, such as XML.

Humpleman teaches the step of the communication for home network would be XML (XML, col. 4 lines 5 – 10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Gibbs and Humpleman's system because Humpleman's XML is well known specifically designed for web documents and enabling the transmission and interpretation of data between applications.
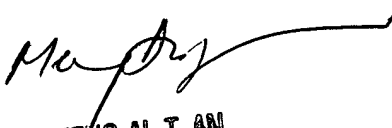

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong N. Hoang whose telephone number is (703) 605-4239. The examiner can normally be reached on Monday - Friday 9:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Meng-Ai An can be reached on (703)305-9678. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Ph
June 22, 2004

MENG-AI T. AN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100